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Calendar No. 75

100TH CONGRESS *1st Session* | SENATE | REPORT 100-32

PROHIBITING ENTRANCE FEES AT THE STATUE OF LIBERTY NATIONAL MONUMENT

APRIL 1 (legislative day, MARCH 30), 1987.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 626]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 626) to prohibit the imposition of an entrance fee at the Statue of Liberty National Monument, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 626 is to prohibit the Secretary of the Interior from charging an entrance fee at the Statue of Liberty National Monument.

BACKGROUND AND NEED

Language included in the fiscal year 1987 continuing resolution (Public Law 99-591) authorized the Secretary of the Interior to charge entrance fees at all units of the National Park System, with the exception of urban recreation areas and those parks with specific statutory exemptions. The language establishes a maximum entrance fee of $5 per vehicle or $3 per person.

Entrance fees had been frozen by the Congress since 1979 and had not actually increased since 1972.

The authority provided in the continuing resolution expires at the end of fiscal 1987. The administration has proposed legislation which would, among other things, make this authority permanent and increase the maximum fee rates to $10 per vehicle or $5 per person.

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On December 15, 1986, pursuant to language in the report accompanying the continuing resolution, the National Park Service transmitted to the Congress a proposed list of park units and the fee to be charged at each unit. One of the units on the list was the Statue of Liberty where the National Park Service proposed to charge $1 to enter the statue or the Museum of Immigration located in the base of the statue. This $1 fee was to be in addition to the $3.25 charged each visitor by the concessioner to ride the ferry to Liberty Island and the 25 cents charged by the Park Service to ride the elevator to the top of the statue.

On February 1, the Park Service began collecting the $1 admission fee.

Because of the unique place in American history occupied by the statue and in recognition of the significant financial contribution made recently by the American public to restore it, the committee agreed to report this measure which would prohibit the imposition of any entrance or admission fee at the statue or the American Museum of Immigration. The bill would not affect other park units nor would it affect the ability of the concessioner to charge for the ferry boat ride to the monument or the elevator charge.

In addressing the issue of entrance fees at the Statue of Liberty, the committee noted that the Secretary of the Interior has determined administratively that entrance or admission fees shall not be collected at Independence National Historic Park during 1987. In light of the fact that this year marks the Bicentennial of the Constitution of the United State, the committee strongly endorses this decision by the Secretary.

In addition, the committee will review the issue of park entrance fees on a comprehensive basis in the very near future.

LEGISLATIVE HISTORY

Senator Bradley introduced this measure on March 3, 1987. No hearings have been held on S. 626. The committee did conduct 2 days of hearings on Park Service entrance fees during the 99th Congress and reported an entrance fee bill late in the last Congress. That measure passed the Senate but was not considered by the House.

At a business meeting on March 25, 1987, the Senate Committee on Energy and Natural Resources ordered S. 626 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on March 25, 1987, by unanimous vote of a quorum present recommends that the Senate pass S. 626, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Melcher*	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth	
Mr. Fowler*	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield	
Mr. Weicker*	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht*	
Mr. Evans*	

*Indicates voted by proxy.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 31, 1987.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 626, a bill to prohibit the imposition of an entrance fee at the Statue of Liberty National Monument, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources, March 25, 1987.

S. 626 would prohibit the Secretary of the Interior from charging any entrance or admission fees at the Statue of Liberty National Monument. Based on an assumed effective date of June 1, 1987, CBO estimates that the enactment of this bill would result in lost offsetting receipts, and thus increased outlays, of about $1 million in fiscal year 1987.

In February, 1987, the National Park Service began charging $1 per person admission to the monument, in lieu of the 25 cent elevator charge in effect before renovation of the statue. This fee is expected to generate about $1.3 million in fiscal year 1987 (net of collection costs) and about $1.5 million a year (net) after that if legislation is enacted permitting such fees beyond fiscal year 1987. (Current fees are collected under one-year authority provided in Public Law 99-591, the 1987 Continuing Resolution.) Since no new fee legislation has yet been enacted for fiscal year 1988 and beyond, the

bill would have no effect on future year receipt estimates, relative to current law.

No costs would be incurred by state or local governments as a result of enactment of this bill.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 626. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 626, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the committee from the Department of the Interior setting forth executive agency recommendations relating to S. 626 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, March 31, 1987.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 626, a bill "To prohibit the imposition of an entrance fee at the Statue of Liberty National Monument, and for other purposes."

We oppose the enactment of S. 626.

S. 626 would exempt the Statue of Liberty National Monument, New Jersey and New York, from any entrance or admission fee. Under P.L. 99-591, the National Park Service is currently charging a new entrance fee of $1 per person for admission to the Statue and museum. This fee is in effect for fiscal year 1987 only, and was begun on February 2, 1987, following publication of a public notice in the Federal Register on January 13. Educational groups, children, and senior citizens are admitted free of charge. Each paying visitor gets a souvenir ticket in exchange, and part of the monies collected are returned to benefit the operation of the monument. Reaction from the visiting public has been generally favorable to this modest charge. The method of implementing entrance fee collection is sensitive to the symbolic significance of the statue, and the nominal fee is levied only on visitors who wish to tour the Statue of Liberty Museum or ascend the interior of the statue. There is no fee for touring Liberty Island itself.

We oppose S. 626 because we believe that entrance fee exemptions should not be granted on the basis that one site in the National Park System is thought to be more important than another. In addition, this bill is inconsistent with the congressionally-established criteria for charging fees under the Land and Water Conservation Fund Act and contrary to the current Administration proposal. The established criteria for charging fees are fair and should be followed. On December 15, 1986, a list of the proposed fees was submitted to the Appropriations committees. The list indicated the $1 proposed fee at the Statue of Liberty. In addition, during hearings on the Administration's legislative proposal to authorize additional entrance fees on June 12, 1986, the National Park Service provided a list of proposed fees indicating a proposed $1.50 fee at the Statue of Liberty. The list appears on page 98 through 100 of the printed hearing transcript (S.HRG. 99-817).

We believe our intention to charge an entrance fee at the Statue of Liberty has been clear since the Administration proposed its fee legislation in the 99th Congress. We therefore assume that the Congress enacted the new fee authorization in the Continuing Resolution mindful that a fee would result at the Statue of Liberty. We also find nothing in the record of the legislation before the authorizing or appropriations committees in the 99th Congress to indicate congressional direction not to charge a fee at the Statue of Liberty.

The amount of the fee was adopted based on the criteria set forth in section 4 of the Land and Water Conservation Fund Act of 1965, which are: "direct and indirect cost to the Government, the benefits to the recipient, the public policy or interest served, the comparable recreation fees charged by non-Federal public agencies, the economic and administrative feasibility of fee collection and other pertinent factors." Applied to the Statue of Liberty National Monument, the criteria yielded the following results:

Criterion 1—Direct and indirect cost to the Government. Points were assigned under this criterion as follows: Operating cost less than $500,000, one point; from $500,000 to $1 million, two points; and cost greater than $1 million, three points. This national monument is estimated to cost $1,434,300 to operate in fiscal year 1987. Accordingly, it was assigned three points.

Criterion 2—Benefits to the recipient (visitor). Two elements were applied under this criterion: Whether the experience provided was single-focus (one-half day of use) or multi-focused (one day or more of use); and the cost per visitor. The Statue of Liberty was determined to be a single-focus area (one point), and the cost per visitor was $2.24 (zero points). Total points under this criterion, one.

Criterion 3—Public policy or interest served. This criterion was applied to the Statue of Liberty as a minus three points, in view of the fact that the monument has recently been completely refurbished with donated funds.

Criterion 4—Comparable recreation fees charged by non-Federal public agencies. Where the comparable fee was less than $2, we assigned minus two points; between $2 and $5, zero points; no charge for comparable facilities, zero points; comparable facilities costing between $5 and $10, one point; and where comparable facilities cost more than $10, we assigned two points. It was apparent that there

were ample examples of recreational activities and historical facilities which were charging entrance fees above $10. Two points were assigned.

Criterion 5—Economic and administrative feasibility of fee collection. Since the area is reachable only by boat it was determined that collection of a fee would be administratively feasible, and no additional facilities need to be constructed. One point was allowed where it was determined to be economically and administratively feasible; zero points were allowed where this determination was negative. The Statue of Liberty was given one point under this criterion.

Criterion 6—Other pertinent factors. Because of the renovation and rededication activities in 1986, it was felt that this is a unique time for the Statue of Liberty and that assumptions and comparisons made now may not hold true in another few years. Accordingly, this criterion was used to balance other factors that tended to support a fee. A minus one point was assigned.

In converting total points assigned to entrance fees per person, we determined the following fees:

Total points:	*Fee (person)*
Less than 2	0
2 or 3	$1
4, 5, or 6	2
7 or more	4

From the application of the criteria, as discussed above, we determined that the Statue of Liberty should be given two points. Accordingly, the fee imposed was $1 per person.

We believe the process that led to the $1 fee was objective, in that all other units of the National Park System were subjected to the same process. Further, we applied negative factors to recognize the recent privately funded reconstruction and the nationwide publicity that accompanied the rededication activities.

We did not, however, attempt to judge the significance of the Statue versus other units of the National Park System in determining a fee. Congress has already spoken to that issue in the National Park Service General Administrative Authorities Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1), wherein it is stated that: "these areas, though distinct in character, are united through their interrelated purposes and resources into one national park system as cumulative expressions of a single national heritage . . .".

We recommend strongly that Congress adhere to the principle set forth in the 1970 Act and not attempt to create classes of significance among the parks for the purpose of prohibiting modest entrance fees. If a fee is inappropriate, it should be determined as such based on objective criteria.

Finally, we would point out that under the Continuing Resolution, that Statue of Liberty National Monument received $326,000 as its share of the $15 million to be used to enhance operations at entrance-fee collecting parks. If entrance fees are stopped at the Statue, this money must be redistributed among all other collecting

parks before September 30. Among other things, this money is proposed to be used for landscaping and archival storage materials, which are very much needed at the Statue.

Therefore, for these reasons, we oppose prohibiting an entrance fee at the Statue of Liberty National Monument.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

WILLIAM P. HORN,
Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the committee notes that no changes in existing law are made by the bill, S. 626, as reported.

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Calendar No. 89

100TH CONGRESS
1st Session

SENATE

REPORT
100-37

State Set-Aside of Abandoned Mine Land Funds

APRIL 10 (legislative day, MARCH 30), 1987.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 643]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 643) to amend section 402 of the Surface Mining Control and Reclamation Act of 1977 to permit States to set aside in a special trust fund up to 10 per centum of the annual State allocation from the abandoned mine land reclamation fund for expenditure in the future for purposes of abandoned mine reclamation, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

S. 643 would amend section 402 of the Surface Mining Control and Reclamation Act of 1977 [SMCRA] by:

(1) Allowing a State to receive and retain, without regard to the 3-year limitation on expenditure of funds by a State under section 402(g)(2) of SMCRA, up to 10 percent of the annual State allocation if the funds are deposited in a special trust fund established under State law;

(2) Providing that the funds so deposited be expended by the State solely to accomplish the purposes of Title IV of SMCRA after August 3, 1992;

(3) Providing that the funds so deposited, as well as interest earned, be considered State moneys.

BACKGROUND AND NEED

Title IV of the Surface Mining Control and Reclamation Act of 1977 [SMCRA] authorized the Abandoned Mine Reclamation Fund.

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Moneys from the fund can be used only for the purposes set forth in Section 401(c) of SMCRA, including for the reclamation and restoration of land and water resources adversely affected by past coal mining. Pursuant to Section 401(d) of SMCRA, moneys from the fund are available only when appropriated by the Congress.

Reclamation fees levied on coal mining operations subject to SMCRA support the fund. Authorization for the reclamation fee is currently set to expire on August 3, 1992.

Pursuant to Section 402(g)(2) of SMCRA, 50 percent of the funds collected annually in any State or Indian reservation are to be allocated to that State or Indian reservation pursuant to any approved abandoned mine reclamation program. A State or Indian Tribe must have an approved abandoned mine reclamation program under SMCRA in order to receive funds. However, if funds allocated have not been expended within 3 years after their allocation, they are available for expenditure in any eligible area as determined by the Secretary of the Interior. Through the end of fiscal year 1986, $1.76 billion had been collected for the Abandoned Mine Reclamation Fund.

Currently, the Office of Surface Mining Reclamation and Enforcement [OSMRE] requires the States to certify that each proposed project in their Abandoned Mine Land construction grant application is an eligible project under SMCRA. OSMRE currently provides funds to the States from the Abandoned Mine Reclamation Fund under the Federal letter of credit payment method.

Twenty-three States currently have approved reclamation programs under Title IV of SMCRA. No Indian Tribes have approved programs.

Under existing law, abandoned mine land funds allocated to the States must be spent within 3 years after allocation or the funds can be reallocated and spent in any eligible area at the Secretary's discretion. Pursuant to S. 643, moneys set aside in the special State trust funds would not be subject to this limitation. In addition, S. 643, by allowing States to set-aside reclamation funds, also allows States to ensure that they will have reclamation funds available after August 3, 1992, the current cut-off date for collecting the reclamation fee.

According to a Bureau of Mines report ("Abandoned Coal-Mined Lands Nature, Extent, and Cost of Reclamation" (1979)) approximately $30 billion will be needed to correct problems caused by mined lands left unreclaimed prior to SMCRA. OSMRE estimates that the Abandoned Mine Reclamation Fund will generate only $3 billion during its 15-year life. This is only one-tenth of the amount needed to reclaim inventoried abandoned mine sites. Enactment of S. 643 will allow States to continue reclamation efforts beyond 1992.

Legislative History

S. 643 was introduced on March 3, 1987, by Senator Wallop, on behalf of himself and Senator Simpson. A hearing was held on this measure on March 31, 1987, before the Subcommittee on Mineral Resources Development and Production.

Committee Recommendation and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on April 8, 1987, by a majority vote of a quorum present, recommends that the Senate pass S. 643.

The rollcall vote was 19 yeas and 0 nays as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford*	
Mr. Metzenbaum*	
Mr. Melcher	
Mr. Bradley	
Mr. Bingham	
Mr. Wirth	
Mr. Fowler	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield*	
Mr. Weicker*	
Mr. Domenici*	
Mr. Wallop	
Mr. Murkowski*	
Mr. Nickles*	
Mr. Hecht*	
Mr. Evans*	

* Indicates proxy vote.

Section-by-Section Analysis

Section 1. Amends section 403 of the Surface Mining Control and Reclamation Act of 1977 [SMCRA] by redesignating paragraph (3) as paragraph (4) and by adding a new paragraph (3) providing for a special State set-aside for future expenditure. A State may receive and retain, without regard to the 3-year limitation on expenditure provided for by subparagraph 402 (g) (2), up to 10 percent of the annual State allocation under subparagraph 402(g)(2), if such moneys are deposited in a special trust fund established under State law for expenditure by the State to accomplish the purposes of Title IV of SMCRA after August 3, 1992.

This provision would permit a State, for example, which has an allocation of $10 million (50 percent of the total collections), to set aside up to $1 million of the annual appropriation, regardless of the actual appropriation level (not to exceed, of course, the total appropriation). All moneys so allocated to the special trust accounts, as well as all interest earned, shall be considered State moneys.

The Committee expects that funds appropriated for a State's special trust fund shall be available to the State within 90 days of enactment of the appropriations legislation.

It is the Committee's intent that this legislation does not apply to Indian Tribes, since Tribes do not have approved reclamation programs under Title IV of the Surface Mining Control and Reclamation Act of 1977. Additional legislation would be required in

order for Tribes to be eligible to have approved reclamation programs.

Cost and Budgetary Considerations

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, April 10, 1987.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 643, a bill to amend Section 402 of the Surface Mining Control and Reclamation Act of 1977 to permit states to set aside in a special trust fund up to 10 per centum of the annual state allocation from the abandoned mine land reclamation fund for expenditure in the future for purposes of abandoned mine reclamation. S. 643 was ordered reported by the Senate Committee on Energy and Natural Resources on April 8, 1987.

While the impact of this legislation is uncertain, CBO estimates that enactment of the bill would have no net effect on the federal budget over time. Depending on the number of states that choose to participate, outlays could increase by as much as $10 million in fiscal year 1988 and by a total of $25 million through 1992. Any outlay increases in these years, however, would be offset by corresponding savings in subsequent years.

Under current law, 50 percent of the reclamation fees paid by coal mine operators into the Abandoned Mine Reclamation Fund (AMRF) are available to the states from which they were collected. These funds are provided annually, subject to appropriations, for use on various reclamation activities.

S. 643 would allow states to obtain up to 10 percent of their allocation in a given year (but not to exceed the total AMRF appropriation in that year) sooner than they would under current law. The money would have to be used to set up interest-bearing trust funds for reclamation activities after the AMRF expires in August 1992.

The impact of this bill is uncertain and depends on annual appropriations and on which states choose to participate by claiming a portion of their allocation to set up such funds. If appropriations levels over the next five years are consistent with levels assumed in the baseline and if all of the eligible states participate, federal outlays would increase by approximately $10 million in 1988 and by a total of about $25 million through 1992. These increases, however, would be offset by corresponding outlay savings after 1992 since there would be fewer balances left to distribute at the expiration of the program.

S. 643 would result in no additional costs to state or local governments. Rather, the bill would allow some states to earn interest on a portion of their abandoned mine reclamation funds.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

REGULATORY IMPACT EVALUATION

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of S. 643, as reported.

EXECUTIVE COMMUNICATIONS

No formal views on S. 643 have been requested from the Administration. However, the Administration was requested to provide an appropriate witness at the hearings conducted by the Subcommittee on Mineral Resources Development and Production on S. 643 on March 31, 1987. Jed D. Christensen, Director of the Office of Surface Mining Reclamation and Enforcement was present at the hearing. The text of his testimony follows:

STATEMENT OF JED D. CHRISTENSEN, DIRECTOR, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Mr. Chairman and Members of the Subcommittee, I am here today at your request to testify on S. 643, a bill introduced by Senators Wallop and Simpson, which would allow States to establish special trust funds to be utilized after the 1992 expiration of the Abandoned Mine Land Fund under Title IV of the Surface Mining Control and Reclamation Act.

Because of the short notice, we have not been able to complete an analysis of the bill and obtain an official Administration position on it. However, I would be pleased to respond to any questions the Subcommittee might have at this time.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 643, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 (91 STAT. 445)

* * * * * * *

SEC. 402. (g)(2) Fifty per centum of the funds collected annually in any State or Indian reservation shall be allocated to that State or Indian reservation by the Secretary pursuant to any approved abandoned mine reclamation program to accomplish the purposes of this title. Where the Governor of a State or the head of a govern-

ing body of a tribe certifies that (i) objectives of the fund set forth in sections 403 and 409 have been achieved, (ii) there is a need for construction of specific public facilities in communities impacted by coal development, (iii) impact funds which may be available under provisions of the Federal Mineral Leasing Act of 1920, as amended, or the Act of October 20, 1976, Public Law 94-565 (90 Stat. 2662), are inadequate for such construction, and (iv) the Secretary concurs in such certification, then the Secretary may continue to allocate all or part of the 50 per centum share to that State or tribe for such construction: *Provided, however,* That if funds under this subparagraph (2) have not been expended within three years after their allocation, they shall be available for expenditure in any eligible areas as determined by the Secretary.

(3) SPECIAL STATE SET-ASIDE FOR FUTURE EXPENDITURE.—Notwithstanding the proviso contained in paragraph (2), any State may receive and retain, without regard to the three-year limitation referred to in such proviso, up to 10 per centum of the annual State allocation under paragraph (2) if such moneys are deposited in a special trust fund established under State law for expenditure by the State solely to accomplish the purposes of this title after August 3, 1992. All moneys so allocated to the special trust accounts, as well as all interest earned, shall be considered State moneys.

[(3)**]** *(4)* The balance of funds collected on an annual basis may be expended in any State at the discretion of the Secretary in order to meet the purposes of this title. Such funds may be expended directly by the Secretary or by making additional grants to approved State reclamation programs pursuant to section 405 when the Secretary finds that such programs are the best means of accomplishing the specific reclamation projects. The Secretary shall consult and coordinate with the respective States those projects funded directly or in conjunction with other Federal agencies.

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Calendar No. 90

100TH CONGRESS
1st Session

SENATE

REPORT
100-38

NEW JERSEY WILD AND SCENIC STUDY RIVERS

APRIL 10 (legislative day, MARCH 30), 1987.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 14]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 14) to designate certain river segments in New Jersey as study rivers for potential inclusion in the National Wild and Scenic Rivers System, having considered the same, reports favorably thereon without amendment and recommends that the act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 14 is to authorize the study of segments of three rivers in the State of New Jersey for study for possible inclusion in the National Wild and Scenic Rivers System.

BACKGROUND AND NEED

The Maurice River and its tributaries, the Manumuskin River and Menantico Creek, are important for their scenic, natural, cultural, fish, wildlife, botanic and recreational values. These rivers are located in a sparsely developed portion of southern New Jersey and flow into the Delaware Bay. The river segments form portions of the boundary of the Pinelands National Reserve.

The undeveloped portions of the Maurice River area have a diversity of plants and animals. Two threatened and endangered plant species of the Pinelands have been documented in the Lower Maurice River area as well as 23 important species of reptiles and amphibians. Threatened and endangered animals include the tiger salamander, corn and pine snakes.

91-010

S313-8

The values of the Manumuskin River and Menantico Creek are also diverse. They encompass freshwater welands, swamp forest and upland forests. This area offers outstanding opportunities for canoeing and other outdoor activities in South Jersey.

The Committee believes that these river segments are deserving of study for possible future designation as components of the National Wild and Scenic Rivers System.

The Committee notes that the reference in the legislation with regard to the Maurice River referring to "the point three miles north of Laurel Lake" marks a location that is one mile downstream of Route 49.

Legislative History

H.R. 14 passed the House on March 10, 1987. A Senate companion bill was introduced by Senators Bradley and Lautenberg on January 6, 1987. A hearing on both measures was held before the Public Lands, National Parks and Forests Subcommittee on March 27.

At a business meeting on April 8, 1987, the Senate Committee on Energy and Natural Resources ordered H.R. 14 favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on April 8, 1987, by unanimous vote of a quorum present recommends that the Senate pass H.R. 14, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford*	
Mr. Metzenbaum*	
Mr. Melcher	
Mr. Bradley	
Mr. Bingaman	
Mr. Wirth	
Mr. Fowler	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield*	
Mr. Weicker*	
Mr. Domenici*	
Mr. Wallop	
Mr. Murkowski*	
Mr. Nickles*	
Mr. Hecht*	
Mr. Evans*	

* Indicates voted by proxy.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, April 10, 1987.

Hon. J. Bennett Johnston,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 14, an act to designate certain river segments in New Jersey as study rivers for potential inclusion in the national wild and scenic rivers system, as ordered reported by the Senate Committee on Energy and Natural Resources, April 8, 1987.

The bill would authorize the appropriation of such sums as may be necessary to conduct studies of three river segments. Based on information from the National Park Service, we estimate that the three studies authorized in the bill will cost approximately $200,000 over the fiscal years 1987 through 1989, assuming appropriation of the necessary sums.

Enactment of the bill would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

Edward M. Gramlich,
Acting Director.

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 14. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 14, as reported.

Executive Communications

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to H.R. 14 is set forth below:

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 2 1987

Official Committee File

Honorable J. Bennett Johnston
Chairman, Committee on Energy
and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This responds to your request for our views on S. 251, "To designate certain segments of the Maurice, the Manantico, and the Manumuskin Rivers in New Jersey as study rivers for inclusion in the national wild and scenic rivers system," and H.R. 14, "To designate certain river segments in New Jersey as study rivers for potential inclusion in the national wild and scenic rivers system."

Although we have no objection to enactment of either bill, we strongly recommend a State study of the river segments instead. There is no Federally-owned property along these river segments, and the State has undertaken, with Federal financial support, comprehensive planning effort for the Pinelands area that borders these river segments.

S. 251 and H.R. 14 would designate for study as potential units of the National Wild and Scenic Rivers system segments of three rivers in New Jersey: A 14-mile segment of the Maurice River, a 3.5-mile segment of the Manumuskin River, and a 7-mile segment of Manantico Creek. The river segments form portions of the boundary of the Pinelands National Reserve, an area of approximately 1 million acres which was designated by section 502 of the National Parks and Recreation Act of 1978. Under that Act, the State of New Jersey has established a planning entity to develop a comprehensive management plan for the Reserve, and based on that plan, funds in the amount of $26 million have been made available to the State for acquisition and planning. The Secretary of the Interior has appointed one member to the 15-member planning entity created under that Act. Major portions of the watersheds of these river segments were identified in the Pinelands Comprehensive Management Plan as possessing values of critical importance. Both the Maurice River segment and the Manumuskin River segment were identified as potential National Wild and Scenic Rivers in 1981 and have been listed on the Nationwide Rivers Inventory prepared by the National Park Service and published in 1982. Manantico Creek flows into the Maurice River and was not separately identified in the inventory.

The Maurice River, which is bordered by Millville, Dorcester, Mauricetown, Commercial, Shell Pile and Bivalve, was where large, oceangoing craft were built in the late 19th century. These communities were the ports for hundreds of ships involved in European cargo trade, whaling and oyster fishing. Evidence of this past activity still exists as wide-bottomed wooden ships are currently engaged in the business of planting, growing and harvesting oysters in the Delaware Bay and the Maurice River Cove. The Manumuskin River segment includes fresh water wetlands on the east side of the river, swamp forest, upland forest, and a portion of the town of Port Elizabeth. The river area is one of the most scenic canoeing areas in southern New Jersey. The Manumuskin River is also recognized for its pristine water quality, the highest of any in the Pinelands.

Since a portion of the watershed drained by these river segments has been identified in the Pinelands Comprehensive Management Plan as being ecologically important, and since the segments themselves have been identified as having potential for designation as part of the national system, we believe it would be appropriate for the State to conduct a study of these river segments. The area through which these segments runs is virtually all privately-owned, and both the National Park Service and local Governmental entities do not propose any Federal land acquisition in the area. Accordingly, a study process should concern itself with bringing together local and State governmental officials, landowners, and other community interests to develop strategies for long-term conservation and use of these valuable river areas.

The State of New Jersey has begun a Statewide planning effort to locate a hazardous waste disposal site to serve the entire State. A State commission responsible for recommending a site has identified four potential hazardous waste sites, one of which is adjacent to the Manumuskin River. We understand that meetings were held by the Site Selection Commission in August of 1986.

Strategies that involve State and local Governments and private initiatives could be developed through a State study process. A comprehensive management plan for these river segments by State and local Governments would be a useful result. In addition, we would anticipate that if the State of New Jersey adopted a comprehensive management plan to protect the scenic and recreation qualities of the river, it would be appropriate for the Secretary of the Interior, at the request of the Governor, to consider these segments under section 2(a)(ii) of the Wild and Scenic Rivers Act as components of the national system.

The cost of a Federal study would be approximately $180,000. H.R. 14, which passed the House of Representatives on March 10, 1987, differs from S. 251 in that it also has an authorization for the appropriation of funds for the study. There are many other rivers around the country which are principally of State and local interest. Federal study of all these rivers would entail substantial costs not justified under current fiscal constraints. We therefore recommend a State study instead.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

William P. Horn

ASSISTANT SECRETARY WILLIAM P. HORN

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 14, as order reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 90-542

WILD AND SCENIC RIVERS ACT

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SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

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(96) MAURICE, NEW JERSEY.—The segment from Shell Pile to the point three miles north of Laurel Lake.

(97) MANUMUSKIN, NEW JERSEY.—The segment from its confluence with the Maurice River to the crossing of State Route 49.

(98) MENANTICO CREEK, NEW JERSEY.—The segment from its confluence with the Maurice River to its source.

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